IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

OP.No. 29160 of 2000(U)

PETITIONER:

S. THANKAMANI, G.394, PANAMPALLY NAGAR, ERNAKULAM.

BY ADV. SRI.R.MURALIDHARAN (AROOR)
SRI.KENNETH GEORGE

RESPONDENTS:
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1. G.C.D.A., REPRESENTED BY ITS SECRETARY.

2. EXECUTIVE COMMITTEE, GREATER COCHIN DEVELOPMENT AUTHORITY, REPRESENTED BY ITS CHAIRMAN

BY ADV. SRI.M.V.JOSEPH, SC, GCDA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 14/03/2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP 49283 OF 2000 IN OP 29160 OF 2000

DISMISSED

14.3.2007 SD/-C.N.RAMACHANDRAN NAIR, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE PROCEEDINGS PASSED BY THE 1ST RESPONDENT DATED 28.11.1986

EXT.P2 TRUE COPY OF THE SALE DEED DATED 3.8.1987

EXT.P3 TRUE COPY OF THE NOTICE ISSUED BY THE FIRST RESPONDENT DATED 29.1.2000

EXT.P4 TRUE COPY OF THE REPLY SENT BY THE PETITIONER DATED 21.3.2000

EXT.P5 TRUE COPY OF THE CALL LETTER ISSUED BY THE FIRST RESPONDENT DATED 13.4.2000

EXT.P6 TRUE COPY OF THE LETTER SENT BY THE FIRST RESPONDENT DATED 7.8.2000

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

O.P. NO. 29160 OF 2000

Dated this the 14th day of March, 2007

JUDGMENT

Petitioner is transferee of land allotted by GCDA to original allottees. The challenge is against demand of additional land value and other charges on account of compensation awarded by civil court. According to the petitioner, petitioner has not undertaken to pay additional cost of land purchased by the petitioner from allottees of GCDA. Petitioner has produced purchase deed as well as approval granted by GCDA. However, from Exts. R1(a) to R1(c) produced by GCDA along with addl. counter affidavit, it is seen that petitioner has given unequivocal undertaking to pay additional cost in respect of plot purchased by the petitioner. Clause 8 of Conditions of Allotment clearly makes provision for the allottee/transferee to pay additional land cost. From these, it is seen that petitioner has filed this O.P. by misrepresenting facts. O.P. is therefore devoid of any merit and is dismissed leaving freedom to the GCDA to proceed against the property of the petitioner, if arrears are not paid with interest.

(C.N.RAMACHANDRAN NAIR)
Judge